

REFERENCE TITLE: personal identifying information; restricted use

State of Arizona
Senate
Forty-eighth Legislature
Second Regular Session
2008

SB 1145

Introduced by
Senator Allen

AN ACT

AMENDING SECTION 44-1373, ARIZONA REVISED STATUTES; RELATING TO PERSONAL IDENTIFYING INFORMATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 44-1373, Arizona Revised Statutes, is amended to
3 read:

4 44-1373. Restricted use of personal identifying information:
5 civil penalty; definition

6 A. Except as otherwise specifically provided by law, beginning on
7 January 1, 2005, a person or entity shall not:

8 1. Intentionally communicate or otherwise make an individual's social
9 security number available to the general public.

10 2. Print an individual's social security number on any card required
11 for the individual to receive products or services provided by the person or
12 entity.

13 3. Require the transmission of an individual's social security number
14 over the internet unless the connection is secure or the social security
15 number is encrypted.

16 4. Require the use of an individual's social security number to access
17 an internet web site, unless a password or unique personal identification
18 number or other authentication device is also required to access the site.

19 5. Print a number that the person or entity knows to be an
20 individual's social security number on any materials that are mailed to the
21 individual, unless state or federal law requires the social security number
22 to be on the document to be mailed. This paragraph does not prohibit the
23 mailing of documents that include social security numbers sent as part of an
24 application or enrollment process or to establish, amend or terminate an
25 account, contract or policy or to confirm the accuracy of the social security
26 number. In a transaction involving or otherwise relating to an individual,
27 if a person or entity receives a number from a third party, the person or
28 entity has no duty to inquire or otherwise determine if the number is or
29 includes that individual's social security number. The person or entity may
30 print that number on materials that are mailed to the individual, unless the
31 person or entity that received the number has actual knowledge that the
32 number is or includes the individual's social security number. This
33 paragraph does not prohibit the mailing to the individual of any copy or
34 reproduction of a document that includes a social security number if the
35 social security number was included on the original document before
36 January 1, 2005.

37 B. Notwithstanding subsection A, a person or entity that before
38 January 1, 2005 used an individual's social security number in a manner
39 inconsistent with subsection A may continue using that individual's social
40 security number in that manner on and after January 1, 2005 subject to the
41 following conditions:

42 1. The use of the social security number must be continuous. If the
43 use is stopped for any reason, subsection A applies.

44 2. Beginning in 2005, the person or entity must provide the individual
45 with an annual written disclosure of the individual's right to stop the use
46 of the social security number in a manner prohibited by subsection A.

1 3. If the individual requests in writing, the person or entity must
2 stop using the social security number in a manner prohibited by subsection A
3 within thirty days after receiving the request. No fee or charge is allowed
4 for implementing the request, and the person or entity shall not deny
5 services to the individual because of the request.

6 C. This section does not prohibit the collection, use or release of a
7 social security number as required by the laws of this state or the United
8 States or for internal verification or administrative purposes.

9 D. Beginning on January 1, 2005, this state or any political
10 subdivision of this state shall not use an individual's social security
11 number on state issued or political subdivision issued forms of
12 identification.

13 E. This section does not prohibit an agency of this state or a
14 political subdivision of this state from disseminating or using the last four
15 numbers of an individual's social security number.

16 F. A government agency shall not transmit to an individual material
17 that contains both an individual's social security number and bank, savings
18 and loan association or credit union account number. This subsection does
19 not prohibit the transmitting of documents that include social security and
20 bank, savings and loan association or credit union account numbers as a part
21 of an application or enrollment process or to establish, amend or terminate
22 an account, contract or policy or to confirm the accuracy of the social
23 security, bank, savings and loan association or credit union account number.

24 G. Except as otherwise provided by law, documents or records that are
25 recorded and made available on the recording entity's public web site ~~after~~
26 ~~the effective date of this amendment to this section~~ BEGINNING JANUARY 1,
27 2007 shall not contain more than five numbers that are reasonably
28 identifiable as being part of an individual's social security number and
29 shall not contain an individual's:

- 30 1. Credit card, charge card or debit card numbers.
- 31 2. Retirement account numbers.
- 32 3. Savings, checking or securities entitlement account numbers.

33 4. BEGINNING OCTOBER 1, 2008, ACCOUNT NUMBERS USED BY ANY ENTERPRISE
34 AS DEFINED IN SECTION 6-101 OR USED BY ANY STATE OR FEDERALLY REGULATED
35 FINANCIAL INSTITUTION.

36 H. Only the attorney general or a county attorney, or both, may
37 commence a legal action for a violation of this section.

38 I. A person or entity is subject to a civil penalty of up to five
39 hundred dollars for each act of recording that violates subsection G. The
40 civil penalty shall not apply to a person or entity that transmits the
41 document for recording but has no authority for the creation of the document.

42 J. A county agency is not subject to civil liability for any action
43 relating to information recorded pursuant to subsection G.

44 K. For the purposes of this section, "individual" means a resident of
45 this state.